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09/801,093	03/07/2001	Sylvia Y. Chen	CS10664	3925

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20040601

Application Number: 09/801,093
Filing Date: March 07, 2001
Appellant(s): CHEN ET AL.

Shigeharu Furukawa
Reg. No. 50,481
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 10, 2004.

(1) ***Real Party in Interest***

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's has stated that Claims 1-6 stand or fall together and Claims 7-14 stand or fall together. However, the applicant has only made specific arguments for independent Claims 1 and 7. Therefore, for purpose of review, the examiner will argue the independent claims (Claims 1 and 7). All Claims will stand and fall together based on the independent Claims 1 (2-6) and 7 (8-14).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

6,026,375	HALL	2-2000
US 2002/0107008 A1	HENDREY	8-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (US 6,026,375).
3. As per independent Claim 7, Hall discloses a method of notification upon arrival at a predetermined location comprising the step of: receiving a first signal indicative of a first location of a first party (Abstract, C5 L20-24: receive order and location from mobile customer); transmitting a second signal to a second party when the first location is equal to a first predetermined location (Fig 6C, C6 L21-43, Claim 2, *Claims 19-21*: transmitting the pick-up order to the service provider to be ready by the mobile customer's estimated time of arrival); and coordinating an activity at a second predetermined location based on the second signal (Abstract, C8 L1-3, Claim 5: coordinating the mobile customers ETA with food preparation).

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4. The rejections for the dependent claims 8-14 are set forth in prior Office Action, Paper No. 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Hendrey et al. (US 2002/0107008 A1).
7. As per independent Claim 1, Hall discloses a method of coordinating an activity at a destination of a first party and a second party comprising the steps of: receiving a first signal indicative of a location of the first party (Abstract, C5 L20-24: receive order and location from mobile customer), wherein the first signal is received at a central scheduling computer (Abstract); and creating a schedule to coordinate an activity automatically at the destination based at least in part on the first signal (Abstract, C8 L1-3, C2 L49-61, Claim 5: coordinating the mobile customers ETA with food preparation).
8. Hall fails to disclose receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer.

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9. Hendrey teaches receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer (Para 69-71).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer, as disclosed by Hendrey in the system disclosed by Hall, for the advantage of providing a method of coordinating an activity with the ability to increase system/method effectiveness by bringing together two mobile (phone) users.

11. The rejections for the dependent claims 2-6 are set forth in prior Office Action, Paper No. 5.

(11) Response to Argument

12. Applicant's arguments filed 10/3/2003, 12/16/2003, and 3/10/2004 have been fully considered but they are not persuasive. The rejection will remain as final, based on the cited prior art.

13. The Applicant makes the argument that the prior art disclosed by Hall, fails to teach the transmission of a signal based upon a first location being equal to a first predetermined location. However, as stated in the final rejection, Hall discloses wherein the service provider receives an initial location (predetermined location / location within range of the system) of the user and furthermore, transmits the order to the local facility (second party) and schedules the

completion of the order to coincide with the users arrival at the local facility (Hall: C5 L20-30).

14. The Applicant also makes the argument that there would be no motivation to combine the prior art of Hall and Hendrey. However, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaches disclosed by Hendrey in the system disclosed by Hall, for the advantage of providing a matching-making service for users based on mobile phone location technology, (Hendrey Para 0069-0070) (Hall C2 L41-61) with the ability to increase system effectiveness / marketability by matchmaking a number (one or more) of system users.

15. Finally, the Applicant makes the argument that the prior art (Hall in view of Hendrey) fails to teach or suggest "receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer." However, Hendrey does teach maintaining a current position information database, which is continually updated with user (TUs) locations (Hendrey: Para 0101), and Hendrey also discloses using location

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technology, such as GPS to maintain an up-to-date location of the user


(Hendrey: Para 0069).

For the above reasons, it is believed that the rejections should be sustained.

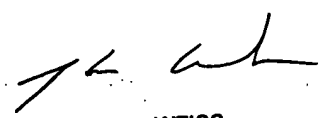
Respectfully submitted,

JO
June 7, 2004

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